

**EXHIBIT “7”**

IN THE CIRCUIT COURT, NINTH  
JUDICIAL CIRCUIT IN AND FOR  
ORANGE COUNTY, FLORIDA  
CASE NO.: 04-CA-007746

FIREMAN'S FUND INSURANCE COMPANY, a  
foreign corporation, a/s/o BASIC RESOURCES, INC.,  
and GEORGE REED, INC., a foreign corporation,

Plaintiffs,

**COPY**

vs.

GENCOR INDUSTRIES, INC., a foreign corporation,

Defendant.

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS

VOLUME 7 of 8 (Pages 905 - 987)

JURY TRIAL BEFORE  
THE HONORABLE RENEE A. ROCHE  
CIRCUIT COURT JUDGE

\* \* \* \* \*

DATE TAKEN: THURSDAY, JANUARY 25, 2007

TIME: COMMENCED AT 8:30 A.M.  
CONCLUDED AT 4:30 P.M.

PLACE: ORANGE COUNTY COURTHOUSE  
COURTROOM 19C  
ORLANDO, FLORIDA

REPORTED BY: MARY ANN SCHUMACHER, CSR  
Court Reporter and Notary Public

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1 APPEARANCES:

2 JON D. DERREVERE, Esquire  
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10 Attorneys for Plaintiff

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17 Attorneys for Defendant

1 C O N T E N T S  
2

3 VOLUME 7 of 9  
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5 (Pages 905 - 987)  
6

7 PLAINTIFF'S WITNESSES:  
8

9 TESTIMONY OF TOM PETTIBONE  
10

11 By Video Deposition  
12

13 Cross Examination by Mr. Murphy: 908  
14

15 TESTIMONY OF FRANK HSU, Ph.D.  
16

17 By Video Deposition  
18

19 Direct Examination by Mr. Derrevere 953  
20

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1 I'll make a copy. That will be photograph -- I  
2 have it on the screen. I think that's identical  
3 photographs of number 7, actually, probably from  
4 6.

5 And they are probably Kevin Brown's  
6 photograph. 6 could be mine, could be his. But  
7 from 7 the detail, the loose wire, terminal 18,  
8 that was definitely Mr. Brown's photograph.

9 MR. MURPHY: Okay.

10 BY MR. DERREVERE:

11 Q. **Is there any particular reason why you**  
12 **picked photograph from Kevin versus yours or did it really**  
13 **matter?**

14 A. It really doesn't matter. But this would be  
15 most likely because he had the opportunity to do it that  
16 day while I don't have the opportunity. And since we are  
17 doing teamwork, so whether he did or I did really doesn't  
18 matter.

19 Q. **Fair enough. On page 1 of 9 of the report,**  
20 **in the second paragraph, second sentence, let me see if**  
21 **I'm reading this right. "Based on this placement of the**  
22 **debris, the explosion center epicenter was located within**  
23 **the dryer." Did I read that correctly?**

24 A. That's correct.

25 Q. **What does that mean, in lay terms?**

1           A. That means the ignition of this explosion,  
2 ignitable explosive fuel-air mixture was actually located  
3 inside the dryer and that the ignition source was located  
4 inside the dryer, so the pressure wave started to build up  
5 inside the dryer and go outward.

6           **Q. Was part of your task to determine whether**  
7 **this was some external -- something external to the batch,**  
8 **the plant or whether it was an internal explosion?**

9           A. That's right. That's very crucial in our  
10 investigation. In every investigation the witnesses are  
11 going to tell you some story, but is their story, you  
12 know, reliable or not, we need to have the physical  
13 evidence to pick it up.

14           On this particular case, people were saying there  
15 was nothing, you know, near the explosion, I mean outside  
16 the asphalt equipment, which is based on the outdoor  
17 environment. So that is a very reliable statement because  
18 outdoor environment, it doesn't have a good chance to  
19 accumulate fuel.

20           If you have an outdoor explosion, usually the  
21 pressure wave will crash the machine if it's that  
22 intensive, but we don't have that. Actually, what we  
23 have is the debris of the equipment flying outward, away  
24 from the dryer instead of toward the dryer. That kind of  
25 gives us the idea the air is going away from the dryer.

1 Q. And when you say the epicenter, that is the  
2 explosion center, the place where the explosion started?

3 A. That's right.

4 Q. Other than looking at it, and I guess we'll  
5 get to it eventually, you've done some calculations to try  
6 to pinpoint that explosion center?

7 A. Right.

8 Q. Okay. Did you talk to Mr. Tipton on site?  
9 There's an interview with Lawrence R. Tipton, an employee  
10 of Basic Resources.

11 A. I believe I did, yes.

12 Q. Okay.

13 A. Actually, I have a recorded interview with  
14 him.

15 Q. Let me see if we can pull that out. Let me  
16 see. You've got a recorded interview with Lawrence  
17 Raemze, R-A-E-M-Z-E, Tipton?

18 A. That's right, yeah.

19 Q. And you've also got a discussion, it looks  
20 like with William Johnson as well?

21 A. Let me see. I don't recall the name, but  
22 yes, William Johnson, that sounds right.

23 (Whereupon, the videotape was skipped to the  
24 following section and played to the jury.)

25 BY MR. DERREVERE: